

REMARKS

With this amendment claims 8, 33-59, and 77 have been cancelled without prejudice. Applicants reserve the right to file claims 8, 33-59, and 77 in one or more continuation, continuation-in-part, or divisional applications. Furthermore, claims 1, 3-6, 9-12, 14, 16, 21, 23, 60, 63-64, 73 and 79-80 have been amended. Upon entry of the present amendments, claims 1-7, 9-23, 60-76, and 78-86 will be pending. Furthermore, the specification has been amended to correct typographical errors. Support for the claim amendments to claims 1, 16, 60, 73, and 84-86 is found in the following chart.

Amended Claim	Support in Application as filed
<p>1. (Currently amended) A method, comprising:</p> <p>obtaining a plurality of e-mails intended for distribution to a plurality of respective destinations; [[and]]</p> <p><u>creating a data node for each e-mail in said plurality of e-mails, wherein each data node includes a pointer to the corresponding e-mail in persistent storage;</u></p> <p><u>processing the plurality of e-mails data nodes solely within non persistent storage, without requiring that information indicative of the e-mails be written to and then read from persistent storage during the processing of the data nodes e-mails, wherein said processing comprises, for each respective data node:</u></p> <p><u>(i) determining a destination domain of the respective data node;</u></p> <p><u>(ii) adding the respective data node to a queue corresponding to the destination domain of the respective data node when the queue exists; and</u></p> <p><u>(iii) creating a queue corresponding to the destination domain and adding the respective data node to the created queue when the queue does not exist; and wherein</u></p> <p><u>said processing further comprises:</u></p> <p><u>selecting a first queue that contains data nodes;</u></p>	<p>Paragraph 32 on page 7 and 8; Fig. 3, steps 300 and 305</p> <p>Paragraph 33 on page 8; Fig. 3, step 310</p> <p>Paragraphs 33 and 34 on page 8; Fig. 3, steps 315 and 320</p> <p>Paragraph 35 on page 8; Fig. 3, steps 315, 325, and 330</p> <p>Paragraph 38 on page 8; Fig. 4, step 400</p>

Amended Claim	Support in Application as filed
<p><u>retrieving e-mails corresponding to each of the data nodes in the first queue;</u></p>	<p>Paragraph 37, on page 8 (“[e]ach data node represents a particular message); paragraph 39 on page 9; Fig. 4, steps 420 and 425</p>
<p><u>sending each of the retrieved e-mails corresponding to each of the data nodes in the first queue to a destination domain of the first queue; and</u></p>	<p>Paragraph 40, on page 8; Fig 4, step 435</p>
<p><u>extinguishing the first queue.</u></p>	<p>Paragraph 41, on page 8; Fig. 4, step 445.</p>
<p>16. (Currently amended) A method as in claim 1, further comprising:</p> <p style="padding-left: 2em;">maintaining a log representing information relating to <u>a number of e-mails</u> in said plurality of e-mails which have been processed; and</p> <p style="padding-left: 2em;">comparing contents of said log with licensing information, to determine if <u>said information the number of relating to e-mails that has been processed</u> exceeds a licensed number.</p>	<p>Paragraph 68 on page 21</p>
<p>60. (Currently amended) A method, comprising:</p> <p style="padding-left: 2em;">obtaining a plurality of e-mails for processing;</p> <p style="padding-left: 2em;">forming <u>a queue map comprising a plurality of queues, each queue in the plurality of queues associated with a specific domain information about said plurality of e-mails, the queue map representing a plurality of destinations for the plurality of e-mails;</u></p> <p style="padding-left: 2em;">sending a plurality of e-mails to a specific destination in said plurality of destinations at a specific time; and</p> <p style="padding-left: 2em;">asynchronously looking up, during said sending step, <u>DNS information for a domain name information using an asynchronous DNS resolver that operates from an offline DNS cache that is periodically updated</u>, for a different destination in said plurality of destinations, to be sent at a future time.</p>	<p>Paragraph 31</p> <p>Paragraph 61; Figure 7</p>
<p>73. (Previously presented) A method, comprising:</p> <p style="padding-left: 2em;">obtaining a plurality of e-mails for processing;</p> <p style="padding-left: 2em;">forming organization information about said plurality of e-mails, wherein said organization information represents a plurality of queues, each queue in said plurality of queues comprising e-mails in said plurality of e-mails that are intended for distribution to a common destination; and</p> <p style="padding-left: 2em;">selecting a first queue in said plurality of queues to</p>	<p>Paragraph 61; Figure 7,</p>

Amended Claim	Support in Application as filed
<p>send e-mails, based on characteristics of the e-mails in the first queue <u>and, during the selecting step, asynchronously looking up DNS information for a domain name using an asynchronous NDS resolver that operates from an offline DNS cache that is periodically updated, for a second queue in said plurality of queues, different than the first queue.</u></p>	<p>where asynchronous DNS resolver 350 is processing e-mails in a queue of e-mails sent by client to server load balancer 732 as explained in paragraphs 57 and 58.</p>
<p>84. (New) A computer system comprising:</p> <ul style="list-style-type: none"> means for obtaining a plurality of e-mails intended for distribution to a plurality of respective destinations; means for creating a data node for each e-mail in said plurality of e-mails, wherein each data node includes a pointer to the corresponding e-mail in persistent storage; means for processing the plurality of data nodes solely within non persistent storage, without requiring that information indicative of the e-mails be written to and then read from persistent storage during the processing of the e-mails, wherein said processing comprises, for each respective data node: <ul style="list-style-type: none"> (i) determining a destination domain of the respective data node; and (ii) adding the respective data node to a queue corresponding to the destination domain of the respective data node when the queue exists; and (iii) creating a queue corresponding to the destination domain and adding the respective data node to the queue when the queue does not exist; and wherein the means for processing further comprises: <ul style="list-style-type: none"> selecting a first queue that contains data nodes; retrieving e-mails corresponding to each of the data nodes in the first queue; sending each of the e-mails corresponding to each of the data nodes in the first queue to a destination domain of the first queue; and extinguishing the first queue. 	<p>See support given for claim 1 as well as Figs. 2 through 7 which depict computer systems.</p>
<p>85. (New) A computer system comprising:</p> <ul style="list-style-type: none"> means for obtaining a plurality of e-mails for processing; means for forming a queue map comprising a plurality of queues, each queue in the plurality of queues associated with a specific domain, the queue map representing a plurality of destinations for the plurality of e-mails; means for sending a plurality of e-mails to a specific destination in said plurality of destinations at a 	<p>See support given for claim 60 as well as Figs. 2 through 7 which depict computer systems.</p>

Amended Claim	Support in Application as filed
<p>specific time; and</p> <p>means for asynchronously looking up, during said sending, DNS information for a domain name using an asynchronous DNS resolver that operates from an offline DNS cache that is periodically updated, for a different destination in said plurality of destinations, to be sent at a future time.</p>	
<p>86. (New) A computer system comprising:</p> <p>means for obtaining a plurality of e-mails for processing;</p> <p>means for forming organization information about said plurality of e-mails, wherein said organization information represents a plurality of queues, each queue in said plurality of queues comprising e-mails in said plurality of e-mails that are intended for distribution to a common destination; and</p> <p>means for selecting a first queue in said plurality of queues to send e-mails, based on characteristics of the e-mails in the first queue and, during the selecting, asynchronously looking up DNS information for a domain name using an asynchronous NDS resolver that operates from an offline DNS cache that is periodically updated, for a second queue in said plurality of queues, different than the first queue.</p>	<p>See support given for claim 73 as well as Figs. 2 through 7 which depict computer systems.</p>

Claims 3-6, 9-12, 14, 21, 23, 63-64, and 79-80 have been amended to correct for antecedent basis and or for clarity, particularly in view of the amendments to independent claims 1, 60, and 73. Accordingly, no new matter has been added by way of the amendments to the claims, the addition of new claims 84-86, or the amendments to the specification.

In the Office Action mailed October 17, 2007, the Examiner has imposed a Restriction Requirement requiring election of one of the following three groups of claims:

- I: Claims 1-32, 60-72, and 73-83, drawn to the method of processing and sending emails within non persistent storage, classified in class 709, subclass 206;
- II: Claims 33-47, drawn to determining the rate of processing for load balancing purposes, classified in subclass 709, subclass 234; and

III: Claims 48-59, drawn to licensing according to the number of emails processed in a software package, classified in class 705, subclass 59.

The Examiner contends that the above groups are distinct, each from the other. In response, Applicants hereby provisionally elect, with traverse, Group I, claims 1-32, 60-83. Applicants respectfully submit that new claims 84-86 are within elected Group I.

Applicants respectfully request that the above-mentioned amendments and remarks be entered and made of record in the file history of the subject application. It is believed that no fees are due in connection with the filing of this amendment. However, should the Patent Office determine otherwise, please charge the required fee to Jones Day deposit account no. 50-3013, referencing CAM No. 687465-999003.

Respectfully submitted,

Date:

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